THE Order of keeping a Court Leet and Court Baron, with the charges appertaining to the same:

Truely and plainely deliuered in the English tongue, for the profit of al men, and most commodious for young Students of the Lawes, and all other within the iurisdiction of those Courts, with diuers new additions thereunto added.

Quicquid agas prudenter agas, & respice finem.

LONDON,
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Cum Priuilegio.

THE ORDER OF Court Leet, and Court Baron.

FIrſt, there ſhall bee a Precept made by the Steward vnto the Bailife, to warne the Court, by a reaſonable time: that is to ſay, fiue or more daies before the Court be kept, in ſuch forme as followeth: But it is the better, if warning be fifteene daies before, as it is in the Common Banke.

The Precept.

Blackford. A.B. *generoſ. Seneſchall Manerij pradicti Ballino eiuſdem Salutem. Tibi precipio pariter & mando, quod diligenter premonere facias omnes tenentes infra manerium predictum, tam reſidentes quam non reſidentes, atque omnes tenentes Cuſtomarios Manerij pred', quod ſint coram me in hac parte ſufficienter deputate apud Blackeford predictam, die Ienis vicesimo ſexto die Martij proximè futuro*

post datum huius ad faciendum sectam suam, tã ad visum Franc' pleg' quam ad Curiam Baron' & omnia alia quæ eis incumbent, & pertinebũt, & hac nullatenus omittas: Et habeas ibi hoc præceptum. Datũ sub sigillo meo, decimo die huius mensis Martij, Annis Regni Iacobi Dei gratia Angliæ, Franciæ, & Hibernie Regis, fidei defensor. &c. secundo, & Scotiæ tricesimo octauo.

After that the steward is set in the Court, he must first enter in writing the Title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

The entrie of the Court Leet, and Court Baron.

Blackeford. VIsus Franc' pleg' cum curia C.L. generosi Domini eiusdem ibidem, tent die Iouis, videlicet, vicesimo sexto die Martij Annis Regni Domini nostri Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis fidei defensoris &c. secundo, & Scotiæ tricesimo octauo, tent per A.B. Senescallum ibidem.

When that is done, the Steward shall cause the Bailife which serueth the Court, if it be in a Leet, to make proclamations, that is to say, three Oyes: and if it be in a Court Baron, then but one, and after shall say as fol-

followeth.

All manner of persons which had warning to appeare heere this day, to serue the Kings Maiestie for his Leet, and the Lord of the Manor, for his Court now holden: Draw nèer and giue your attendance, and euery one answere to his name as he shal be called, vpon paine and perill that may fall thereof.

And after all bee called, and those that are absent be marked to be amerced, thē the Steward shall cause againe (if it bee in a Leet) to be made other three Oyes. Then after the three proclamations made, the Steward shal cause the Bailie to say.

If any will bée Essoyned, come in and you shall bée heard.

And in a Court Baron, if any will bée essoyned, or enter any plaint, come in, and you shall be heard: and then the Steward shal say Essoines and proffers of suite and plea, three times, and in the end, Essoines for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoine for him, (the Court sitting) to saue his default.

And then the Steward shall enter the Essoine in the Court Rolle, in this maner:

The manner of entring the Essoines.

A B. per C.D. essoniatur de cõi: Et sic de alijs.

Looke also if there be any Tenant in the Mano^r that hath any action, o^r cause of action, sithence the last Court day: Let him put in his plaint the Court sitting, and it shall be entered.

Looke also if there be any Præcepts, Attachments o^r distresses hanging in the court Rolles, inquire of them openly in the Court, and know if the Bailie haue serued them.

Also if there be any old plaints hanging in the Court Rol, before this Court holden, cause the parties to be called, and before the enquest be charged, know if the plaint shal passe by the homage.

What done, the enquest shal be impanelled: Then bid the foreman lay his hand vpon the booke, and sweare him in forme following.

The Oath of the Foreman.

Cause the Bailie to hold the booke vnto the partie or parties sworne; but the Steward shall giue the Oath.

You

YOu shall diligently enquire, and true pre-
sentment make of all such things as you
shall be charged with, concerning as well the
kings Maiesties Leet, as the Lords Court
of the Manor: You shall well and truly keep
*the Kings Counsel, your fellows and your
owne: you shall not conceale nor hide any
thing for fauour, feare, promise, or affection
you beare to any person or persons, or pre-
sent any thing for hatred, or malice you beare
to any man: but you shall present and tell the
truth, the whole truth, and nothing but the
truth, so help you God, and by the contents of
this booke. And this being done, cause him to
kisse the booke.

If the Court Baron be kept by it self, there shall bee omitted in this oth these words: *the kings Counsell*, for that is not the kings Court, but the Leet is.

After the Fore-man is sworne by himselfe, cause three or foure of th'enquest to lay their right hands together on the booke, and giue them their oath as followeth.

The Oath of the rest of the Iurie.

ALl such oath as A. B. hath made before
you on his behalfe, you, and euerie of you
shall well and truely keep on your behalfe: so
helpe you God, & by the contents of this book.
And then cause euerie one that is sworn, to
kisse the booke.
And so in like maner sweare the rest.

After they be sworne, cause the Bailife to number them that be sworne, as the Steward doth reade them.

The Proclamation after the Oath taken.

THen make Proclamation and say thus: All you that be here sworne, draw neere and heare your charge, and all the rest keepe silence, vpon paine and perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay euery Leet, according to the custome of the Manor.

The Exhortation to be giuen vnto the Iurie before the charge, to consider their Oathe.

MAsters, the charge which you haue promises by your Oathes to obserue, toucheth and concerneth diuers good lawes and statuts made for the whole common weale of this realme, and also for the priuate wealth of euerie of you, which matters the Lord of this Franchise considering, and wishing your wealth & quietnesse, willing also good orders to be obserued and kept among you, and that right & equitie might bee ministred to euerie

of

of you, hath caused therefore the kings maiesties Leet and his Court to be summoned and kept here at this day: I will therefore, by your fauor, before I enter into the matters of your charge, declare vnto you by what authorite you are brought hither, and wherein you are bound to serue.

One cause is, for that the kings Maiesty, and his noble Progenitors haue giuen and graunted vnto the Lord of this Manor, a strength and power to keepe a Leet or Lawday at two times in the yeare, at which Leet or Lawday, all the Headboroughs, Tithingmen and Deiners, & all other persons which be resident or dwelling within this Leet, being of the age of twelue yeares or aboue, are bound by the law of this Realme to appeare: for that there they may heare the lawes & Statutes opened and declared, that thereby they may know and auoid the danger of the same: and further to enquire of the breakers of the same, and present them, that such offenders might be punished.

The other cause or authoritie is, for that you bee the Lords Tenants, and are bound by reason of your Tenure to appeare at the Lord his Court Baron, when it shall happen to be kept according to the Law, that is to say, at euerie three weekes end, and being

here

here by these two authorities, you are bound to serue in all such things as you are iointly and lawfully charged with all, as well concerning the kings Maiesties Leet, as the Lords Court Baron.

And thus you haue heard in briefe the causes whereby you are bound to come to this Leet and Court Baron.

Also to the intent that this your oath which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

First in swearing, three things chiefly ought to be considered: The first is, that you swear truely, that is, you must seclude all fauor and affection to the parties, not fearing the rich, nor pitying the poore, nor considering the simplenesse of any person; nor the smalnesse of the offence, but hauing the truth onely before your eyes, for to loue the truth and speake that which you know to be true, & no further. The second is, you must sweare in righteousnes, that is, for the verie zeale and desire you haue in declaring of the truth, for the executing of Iustice, for the obseruing of conuenants, honest promises, statutes, lawes, and good customs: and hauing a respect in doing and performing these things, you doe that which is to the glorie of God, the honor of the

king

king, the preseruation of the people and common-weale: and this manner of swearing is commanded of almightie God in Deuteronomie, saying: Thou shalt feare the Lord thy God, and serue him, and shalt swveare by his name. That is, wee must serue God onely, feare him, and confesse his holy name, which is done by swearing lawfully. So swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must sweare in truth, in iudgement, and in righteousnesse. Chap.6.

Thirdly, in swearing and taking an oth, you must do it with iudgement, not rashly nor vnaduisedly, but soberly, considering what an oath is: to put you in mind thereof, I will in few words declare what an oath is. An oath is the calling or taking to witnesse of God his name, to confirme the truth of that we say. And saint Paul saith, An oath for confirmation, is among men an end of all strife. Heb.6.verse 16.17.

For in doubtfull and obscure matters, where the knowledge of men faileth, wee flie vnto God, that he which is the onely truth, may giue testimony vnto the truth, and he which vseth God for a witnesse, doth also call for reuenge of periurie at his hands, if hee deceiue and speake not the truth. Also in laying your hands vpon the booke, you do sweare, truly to

enquire

inquire and make a true presentment of those things wherewith you bee charged, and not to let from saying the truth, and doing truely, for fauor, feare, loue, or malice of any person: you must consider that in the same Booke is contained God his euerlasting truth and most holy word, whereby wee haue remission and forgiuenesse of our sinnes and euerlasting life. Also in the Gospell booke is contained God his plagues and threats to obstinate sinners, periured men, false witnesse-bearers, condemners of innocent & guiltlesse persons, so that if you willingly forsweare your selues, you vtterly forsake God, his mercie and truth, the merrits of our Sauiour Christ, his nativitie, life, passion, death, resurrection, and assension, the ioyes of heauen, and euerlasting life, betaking your selues to the vtmost the author of all lies, periurie and deceit: and by forswearing, and forsaking the truth, you do forsake Christ, the light and truth it selfe. And although that periurie doe escape sometime vnespied & vnpunished, & be kept secret but wean some of you and others, yet your hearts will iudge & repute one another false, and be suspitious of each others doings: but God being faithfull he will not deny himselfe: & therefore he will not suffer the profanation of his name to be vnpunished: also at the last day, when the

secrets

secrets of all mens hearts shalbe opened, then the truth and your owne consciences shall accuse you, and Christ the righteous Iudge shal iustly condemne you to everlasting death and damnation. For this sinne of periurie God by his Prophet hath threatned to punish: Malac. 3. Wherefore let vs pray vnto God that wee may vse such othes as bee godly and lawful that is, that wee sweare not rashly, in trifles, or in matters of no weight, but when it is needfull and necessarie onely: also that we do consider the end, that our oathes may serue to the honour of God, and to the boulting out & testifying of a truth. And thus having put you in mind of your duties & othes, the which I trust you wil diligently weigh & consider in the performing and doing the same, to the comfort of your consciences: I will proceed no further therein, but declare vnto you the articles of your charge.

The charge of Court Leet.

1 YOu must vnderstand, that high Treasons, petty Treasons, and Felonies, which are against the Crowne and dignitie, are to be enquired of and presented in Court Leet, but not punishable there.

2 The which offences ought to bee set downe

downe in writing, and indented, the one part to remaine with the Steward, the other with the Iurie, and the same must be deliuered to the Iustices of the Assises at the next Gaole deliuerie holden within the Countie. See Stamford in his Plees of the Crowne lib. 2. cap. 24. fol. 85. 86. & 87. And M. Lambert in his Iustice of peace, lib. 4. cap. 6.

3 First you shall enquire of high Treasons, as if there bee any among you which do compasse, imagine, or entend the death of our Soueraigne Lord the king: and doe vtter the same words by writing, or by any other open act: or if any go about to make warre against him: or if any bee adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the money of this Realme, or the coine of any other realme which is enabled to bee current within this realme.

5 Or if any counterfeiteth any of the kings Maiesties seales, as the great seale or stampe, these are high Treasons.

6 Also counterfeiting of the Kings Seale is to take Waxe printed with the Kings Seale, and to fasten it to a writing not made by the King: these are to bee enquired of here as Felonies, and to be certified as afore-

said,

said, Rastall, Treason 26.5. Eliz. cap. 11. pur clipping, washing &c.

7 Also if any kil his master or his mistris: or if a Priest, or other religious man kill his Ordinarie, this is petie Treason, and to bee enquired of here as felonie, 25.F.3.ca.2, Rastal, Treason 1. Pety treason

8 And if any woman kill her Husband, it is petie Treason, and it is to be enquired of as felonie, 19.H.6.fol.27. A woman to kill her husband is petie treason.

9 Also cutting out of a mans tongue, and putting out his eyes of malice, is felonie, and to be enquired of here. Felonies.

10. Also murder is, when any of malice prepensed or forethought doth kill another, feloniously, and it is to bee enquired here as bloudshed. Murder.

11 Also manslaughter as a trespasse is here to be enquired, that is to say, when the place is not appointed to fight, but suddenly they fight together, and the one killeth the other as they meet by chance: also it is to bee enquired here for bloudshed. Manslaughter.

12 Also if one kill another in defending himselfe, he shall loose his goods. In defending himselfe, and killing by misfortune.

13 The same law is where one killeth another by misfortune, &c. Stamford 15.a.

14 Also you shal enquire of rape, which is, if a man ravish any woman against her will, Rape.

be she wife, widow, or maide, though she afterwards consent vnto it, it is felonie. You shall enquire also of their aiders, for they shall bee iudged Rauishers, as well as he that did the deede, 22. Ed. 4. fol. 22.

Burglarie. 14 Burglars are those which in the time of peace, or in the night time with a felonious intent to rob or kill, doe breake any houses, Churches, walles or gates, and enter into them: this is burglarie, and here to be enquired of, Seamf. fol. 30. B.

Robberie. 15 Robberie is when a man taketh any thing from any other person feloniously, though it were but the value of a peny, this is felony, and to be enquired of.

Burning of a house or barne. 16 Also the burning of a house feloniously, is felonie.

17 Also burning of barnes, adioyning to a house in the night, is to be enquired of, 11. H. 7. 1.

Robbing of Churches. 18 Also robbing of churches or chappels, and taking of any ornaments out of the same felonionsly, is felony, and to be enquired of.

Rescue. 19 If any rescue any which is taken for felony, this is felony, and here to be enquired of.

Taking of Doues. 20 Also taking of Doues in a Doue house in the night time with a felonious intent, is felony, and here to be enquired of.

Yong Pigeõs. 21 Also taking of yong Pigeons, or yong

Gosha wkes

Goshawkes in their nests, is felonie, and here is to be enquired of. and young Goshawkes.

22 Also taking of fish feloniously out of ponds, stewes, or trunkes, here is to be enquired of. But if the same bee taken out of a riuer there it is no felony. Taking of fish.

23 Also the taking of tame Deere with a felonious intent, is felonie. Taking of tame Deere.

24 The same law is for taking of Signets, Swans marked, Peacockes, and the same is to be enquired of. Signets, Swans. Peacocke.

25 Also if any receiue a Felon, knowing of the felony which he hath done, this is Felony, and here to be enquired of. Receiuers.

26 And note that all other felonies which be Felons by the comuon Lawe, are here to be enquired of.

27 Accessaries are enquirable, and that is if one procure or commaund another to doe a Felony, but is not present when hee doth it: this procurer or commander is accessarie. Accessarie.

28 Also accessarie after Felonie is done, is where one receiueth a Felon, knowing of the felonie. Accessarie after felony done.

29 Escape voluntarie is when one arresteth another for Felonie, and after suffereth him to goe whether he will, this is felony, and also to be enquired of. Escape voluntarie.

30 Escape negligēt is when one is arrested Escape negligent.

for felonie, and after escapeth against his will that arresteth him, and if hee bee not freshly pursued and taken before they that doe pursue lose the sight of him, hee that should haue kept him, or his gaiolour, shall lose a greeuous fine, and hereof enquire.

Petty Larceny. 31 Petie Larceny is taking of any thing with a felonious intent, vnder the value of xij.d. as hennes, geese, pigs, or small things out of windowes, and those things are to be enquired of.

Escheate. 32 You shall vnderstand that the Lord of whome the land is holden, shal haue the lands by Escheate, where their tenants be attainted of Petie Treason or Felonie, and the king shall haue the Landes a yeare and a day, and the waste of it, per Magnam Chartam cap. 22.

33 And therefore you must enquire what lands and tenements those persons so offending haue, and what goods for the king, except the Lords haue felons goods by the king his grant, 9. H. 4. fol. 23.

34 Also you shall vnderstand that those matters in the charge aforesaid, are to bee enquired of, and presented as aforesaid, but not punishable here, but they are to bee certified by the Steward in sessions as aforesaid. But the rest of the matters of the Charge which

ensue

enſue, are enquirable and preſentable, and be alſo puniſhable heere in Leete, but not certified as the other were.

1 Thoſe things vvhich hereunder follow, are to be preſented in Leet, and alſo to bee puniſhed there.

2 FIrſt you ſhal enquire if al your Conſtables, Headboroughes, Deciners, and al other ſuitors which owe any ſuite hither, bee heere, or not, and preſent all their names that make default. Conſtables, Headboroughs.

3 Alſo if any haue dwelt within the Lordſhip the ſpace of a yeare and a day, and be of the age of xij. yeares, and not ſworne to the King to bee true and faithfull, this is enquirable. Of the age of xij. yeares.

4 Alſo you ſhall inquire if any of the lords villaines be fugitiues, & remaine elſewhere out of the Lordſhip, and bee not in the auncient demeſne of the King a yeare and a daie, preſent the ſame. Villaines.

5 Alſo you ſhall enquire if any cuſtomes, or ſeruices, due to this Court be holden backe, how, by whom, and in what bailifes time the ſame was, and preſent the ſame. Cuſtomes and ſeruices.

6 Alſo you ſhal inquire if any purpreſtures be made vpon the land, wood, or water, with Purpreſtures,

blockes, stakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to say, to the multitude, and not onely to one.

Walles, houses, pales or hedges.

7 Also if any walls, houses, pales, or hedges be made or erected to the annoyaunce of the people, this is to be presented.

High-waies, waters, ditches or pathes.

8 If any common highwaies, waters, ditches, or pathes be turned out of their courses, it is to be enquired of.

Encrochmẽts.

9 Also you shall enquire if any Encrochments bee made on the Kings high waies, of any of the Lords soile common, or one neighbour upon another, and present it.

Laystals. Carion.

10 If any Laystals be made, or any carrion be cast in highwaies to the annoyance of the people, this is enquirable.

Make fraies.

11 Also if any commonly breake the peace as making of fraies in disturbance of the people, this is enquirable.

Common Barretors.

12 Also if there be any common barretors in the Lordship, as scoulders or brawlers, to the annoyance and disturbance of their neighbours, present their names.

Breakers of pound.

13 Also if any breake the common pound, to take a distresse out of the same, present their names.

Outcries against the law.

14 Also if any Outcries be made against the lawes in disturbance of the people, it

is

is to be enquired of.

Rescous made against the Shirife, or his Officers.

15 Also if any rescous be made within the Seigniorie vpon the Shirife or his Bailifes, or vpon any of the kings Officers, in disturbing of them to take any person to be arrested, it is to be enquired of.

Euesdroppers.

16 You shall enquire, if any Euesdroppers which stand vnder walles or windows, by night or day, to heare tales, and to carrie them to others, to make strife and debate betweene their neighbours, present their names.

Breakers of hedges.

17 Also if there bee any common breakers of hedges, present their names.

Keepers of Bawdery.

18 Also if any keepe and mainteine any Bawderie in their houses, it is cause of breaking the peace, and it is a vice that corrupteth the common weale, & for that cause it is here to be enquired of.

Vagabonds.

19 Also if there be any vagabonds, or those which walke by night, and sleep in the day.

Hunters of Tauerns or Alehouses.

20 Also if there bee any that be common haunters of Tauerns or Ale-houses, hauing not sufficient to liue vpon, they are to be enquired of.

To go on message for theeues.

21 Also if any goe in message for theeues, it is to be enquired of.

For corrupting the waters.

22 Also you shal enquire if any person haue watered any hemp or flare in any riuer, run-

For corrupting the waters.

ning water, ſtreame, or brooke, in any common pond where beaſts do vſe to drink, they ſhall forfeit for euerie time ſo doing xx. s. the one part to the partie grieued, or any other which will ſue for the ſame in the Leete, by action of debt, bill, plaint, information, or otherwiſe, and preſent the offendors.

This offence is not enquirable in the Leet but may be puniſhed there, vpon the action or informatiõ of any againſt the offenders: For which, ſee the Statute 33. H. 8. c. 17. But vpon a preſentmẽt of a Iury in the Leet of ſuch an offence the penalty cannot be leuied, but the offender may bee amerced there for the noyance, and the amercement eſtreated, and ſo leuied.

False weights.

23 Alſo if any haue, and vſe any meaſures of buſhels, gallõs, yard, or elne, or falſe ballances, or pounds, they are to be enquired of.

Double weights.

24 Alſo if any vſe double pounds, or meaſures, that is to ſay, one little or ſmall weight to ſell by, and a greater to buy with, in deceiuing the people, the ſame is to be enquired of.

Aſſiſe of bread and Ale.

25 You ſhall alſo enquire of the aſſiſe of bread and ale, that the ſame bee kept, that is to ſay, that euerie one ſell according vnto the rate and price of graine, and that the ſame bee made wholſome for man, and hereof enquire.

26 Al-

26 Also if Tiplers sell by cups or dishes, or measures vnsealed and not sealed, it is enquirable. Tiplers.

27 Also if butchers, fishmongers, or other victuallers sel any corrupt victuall, not wholsome for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to bee excessiue, hauing regard to the prices how victuals bee sold in places neere thereabouts, and hee that is conuicted, shall pay double that hee hath receiued to the partie damnified, and the same is to be required of. Butchers & all victuallers doe sell wholsome meat at a reasonable price.

28 Also that hostlers doe not sell hay, nor Oates but at reasonable prices, and that they doe not take for the bushell, but a halfe peny ouer the common price in the market, and that they take nothing for the litter, and this is enquirable. Hostler for selling his hay & Oates.

49 An Inkeper may bake his bread for horses in his house in any through fare town, which is no Citie where no common bakers dwell, and if hee bake and not make the same according to the prices of graine, it is to be punished in Leet. Inkeeper may bake his bread.

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiuing them to be of euill behauiour, it is to be enquired of. Harbouring any suspected person.

blockes, stakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to say, to the multitude, and not onely to one.

Walles, houses, pales or hedges.

7 Also if any walls, houses, pales, or hedges be made or erected to the annoyaunce of the people, this is to be presented.

High-waies, waters, ditches or pathes.

8 If any common highwaies, waters, ditches, or pathes be turned out of their courses, it is to be enquired of.

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9 Also you shall enquire if any Encrochments bee made on the Kings high waies, or any of the Lords soile common, or one neighbour upon another, and present it.

Laystals. Carion.

10 If any Laystals be made, or any carrion be cast in highwaies to the annoyance of the people, this is enquirable.

Make fraies.

11 Also if any commonly breake the peace as making of fraies in disturbance of the people, this is enquirable.

Common Barretors.

12 Also if there be any common barretors in the Lordship, as scoulders or brawlers, to the annoyance and disturbance of their neighbours, present their names.

Breakers of pound.

13 Also if any breake the common pound to take a distresse out of the same, present their names.

Outcries against the law.

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is to be enquired of.

Reſcous made againſt the Shirife, or his Officers.

15 Alſo if any reſcous be made within the Seigniorie vpon the Shirife or his Bailifes, or vpon any of the kings Officers, in diſturbing of them to take any perſon to be arreſted, it is to be enquired of.

Eueſdroppers.

16 You ſhall enquire, if any Eueſdroppers which ſtand vnder walles or windowes, by night or day, to heare tales, and to carrie them to others, to make ſtrife and debate betweene their neighbours, preſent their names.

Breakers of hedges.

17 Alſo if there bee any common breakers of hedges, preſent their names.

Keepers of Bawdery.

18 Alſo if any keepe and mainteine any Bawderie in their houſes, it is cauſe of breaking the peace, and it is a vice that corrupteth the common weale, & for that cauſe it is here to be enquired of.

Vagabonds.

19 Alſo if there be any vagabonds, or thoſe which walke by night, and ſleep in the day.

Hunters of Tauerns or Alehouſes.

20 Alſo if there bee any that be common haunters of Tauerns or Ale-houſes, hauing not ſufficient to liue vpon, they are to be enquired of.

To go on meſſage for theeues.

21 Alſo if any goe in meſſage for theeues, it is to be enquired of.

For corrupting the waters.

22 Alſo you ſhal enquire if any perſon haue watered any hemp or flare in any riuer, running

For corrupting the waters.

ning water, ſtreame, or brooke, in any common pond where beaſts do vſe to drink, they ſhall forfeit for euerie time ſo doing xx. s. the one part to the partie grieued, or any other which will ſue for the ſame in the Leete, by action of debt, bill, plaint, information, or otherwiſe, and preſent the offendors.

This offence is not enquirable in the Leet but may be puniſhed there, vpon the action or informatiõ of any againſt the offenders: For which, ſee the Statute 33. H. 8. c. 17. But vpon a preſentmẽt of a Iury in the Leet of ſuch an offence the penalty cannot be leuied, but the offender may bee amerced there for the noyance, and the amercement eſtreated, and ſo leuied.

False weights.

23 Alſo if any haue, and vſe any meaſures of buſhels, gallõs, yard, or elne, or falſe ballances, or pounds, they are to be enquired of.

Double weights.

24 Alſo if any vſe double pounds, or meaſures, that is to ſay, one little or ſmall weight to ſell by, and a greater to buy with, in deceiuing the people, the ſame is to be enquired of.

Aſſiſe of bread and Ale.

25 You ſhall alſo enquire of the aſſiſe of bread and ale, that the ſame bee kept, that is to ſay, that euerie one ſell according vnto the rate and price of graine, and that the ſame bee made wholſome for man, and hereof enquire.

26 Al-

26 Also if Tiplers sell by cups or dishes, or measures unsealed and not sealed, it is enquirable. Tiplers.

27 Also if butchers, fishmongers, or other victuallers sel any corrupt victuall, not wholsome for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to bee excessiue, hauing regard to the prices how victuals bee sold in places neere thereabouts, and hee that is conuicted, shall pay double that hee hath receiued to the partie damnified, and the same is to be required of. Butchers & all victuallers doe sell wholsome meat at a reasonable price.

28 Also that hostlers doe not sell hay, nor Oates but at reasonable prices, and that they doe not take for the bushell, but a halfe peny ouer the common price in the market, and that they take nothing for the litter, and this is enquirable. Hostler forselling his hay & Oates.

49 An Inkeper may bake his breade for horses in his house in any through fare towne, which is no Citie where no common bakers dwell, and if hee bake and not make the same according to the prices of graine, it is to be punished in Leet. Inkeeper may bake his bread.

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiuing them to be of euill behauiour, it is to be enquired of. Harbouring any suspected person.

Millers. 31 Also if Millers take an excessiue toll, it is to bee enquired of: and hee ought to take for tol but the twenty or the four & twe-tie graine according vnto the custome, and according vnto the strength of the water.

32 Also if the Miller within the Lordship change the graine which he hath ground, it is enquirable.

Artificers. 33 Also it is to be enquired, if all the artifi-cers doe make good worke as they ought, and if any make deceit in the same in deceiuing of the people, you ought to present their names.

Misdemeanor of Officers. 34 Also if any Constable, Ale-Taster, Bailife or any other Officers within this Lordship, haue well and truely done their of-fice or no, it is to be enquired of.

Purueyour. 35 Also no Purueyor shal make any pur-theyance for the kings house, of any thing to the value of forty shillings, or vnder, except he make ready payment to the partis vpon paine of looling his Office, and to pay the value to the partie grieued: and if hee doe the contrarie, if the Steward or Mythingman, vpon complaint to them make no resistance to the Purueyor, they shal forfeit to the party grieued, the value of the thing take, and dou-ble damages, and this is the misdemeanour of these Officers, and those misdemeanors,

and

and of all other such Officers, are enquirable.

36 Also the Constable ought to see the peace, and watch to be observed as it ought. Peace and watch.

37 If any treasure be found, that is to say put in the earth, and no man knoweth who hid the same, this is the kings, except the Lord have the same by special words, or by prescription. Treasure found.

38 If any estraies be, they are enquirable, and that is, if any horse, pigges, Hogs, Cattell or Swannes, which have come into this Lordship, and have beene there a yeare and a day, & not claimed, then the Lord may have the propertie of the same by prescription, but the same ought first to be impounded in an open pound, proclaimed in three markets next adioyning, & if none claime them, then they shall bee seased, and ought to be put into some severall land, and not in any couert or wood, where the owner cannot find them, for if they be in couert the propertie is not chaunged, though they be there a yeare and a day. Estraies.

39 Also you shall enquire whether any Theefe upon hue and crie, or otherwise doth waiue his goods, that is to say, doth leaue or forsake his goods, or any parcell of them, which he hath stolne, by reason whereof the K. is seised thereof, or the Lord by the grant of the Waife.

king

King, such goods are called waifes, and therefore present the same, also if any officer seaze vpon any theeues goods: though there bee no pursuit made in these cases, the king or the Lord by grant or prescription shall haue these goods &c.

He that flyeth. 40 If any flie, that is to say, if any be found by indictment guiltie of murder before the Coroner, or if hee be indicted of Felonie, and acquited and found that he flieth, then he shall forfeit his goods to the king, and the Lord may haue them by Charter, and not by prescription, and this is enquirable.

Horse or mare scabbed. 41 If any horse or mare bee put vpon a waste ground, and be scabbed, or hauing an infectious disease, hee shall forfeit to the Lord of the Leet ten shillings, and this is enquirable.

Exigent. 42 If any exigent be awarded against one enuicted of felonie, by the keeping of his goods, they are forfeit, though after he be acquited of felonie, and the king shall haue his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

Outlawed. 43 If any be outlawed in debt, trespasse, or other personall action, his goods bee forfeited, and the king shall haue them, and not the Lord, except it be by Charter and not by prescription, and this is enquirable.

Common fine. 44 Also you shal enquire if the common fine haue

haue beene here to bee paied according to the custome, and whether the same bee gathered according vnto the vsage. This is commonly gathered by the headborough.

45 Note that euerie one that hath view of free pledges, ought to haue Pillorie and Tũbrell to doe Iustice: also in euerie Towne where there is a Leet, there shal be stocks, and for default thereof the towne shall forfeit fiue pounds, and the same is enquirable. Stockes.

46 Also you shall enquire whether any haue vsed in any of their garments veluet, satten, damaske, taffata, sarcenet, chaudet, or any fur, as foyns, tenets, martins, squirril, for, gray, conny, Hare, or other furres growing within this land, or gold, or siluer, in or vpon any of their garments, otherwise then the statutes, made in the 24. yere H. 8. & 1. & 2. of Phil. & Mary do allow, you shall present the offendors. Apparrell.

47 Also you shal enquire whether any baker, brewer, butcher, cooke, tipler, &c. do take excessiue gaine or no: also whether they conspire, couenant, promise, or make any oathe not to sell victuall but at a certaine price, and present the same. Victualers.

48 Also you shal enquire if any artificers, workemen, or labourers, haue conspired, promised, or made any oathes, that they will not Artificers.

make,

make or doe their workes but at certaine prices, or not to finish that which another hath begun, or would doe but certaine worke in a day, present them, for they shall forfeit certain penalties, 24.H.8.cap.12.

Archers. 49 And you shall enquire if any man being the kings subiect, not lame or maimed, not hauing any lawfull impediment, being within the age of threescore yeares, except Spirituall men, and Iustices, doe vse and exercise shooting in long Bowes, and whether the fathers and Mothers of such as be vnder xvj. yeres, do bring vp their children in the knowledge of shooting: and whether euerie manchilde of seuen yeares & vpward, haue a Bow and two shaftes: if they haue not, their gouernors shall forfeit certaine penalties: present therefore such offendors.

Buttes. 50 Also you shal enquire if the Buttes be made and continued, and if your buts bee not made or continued, yee shall forfeit for euerie three months for default thereof xx. s.

Tanners, Curriers, and tanned Leather. 51 Also you shall enquire if any Tanner haue offered to be sold any hide of Bull, Ore, Steere or Cow, galled or cut, he shall forfeit for euerie one twelue pence.

Curriers. 52 Also no Currier ought to curry any Leather in a Shoo-makers house: and none ought to curry any Leather vntill tanned.

53 Also

53 Also you shall enquire if there bee any Crowneta, if there be not, the Lord shal haue the moity of ten shillings, which shall be forfeited by the parish or towne for not hauing the same. Also if they destroy not the Crow nests when they begin to breed, they shall bee amerced. Crowneta, and Crow nests.

54 Also you shall enquire if any person by any meanes haue taken and killed any young brood, Spawne, or fris of Salmons, Eeles, Pikes, or any other fish, in any Streame, riner, broke, floudgate, or in the taile of any Mill, and present the offendors. And further, when any person hath taken in any of the places aforesaid, any salmons or troiwts out of season, or any Pikes or Pikrelles, not being in length ten inches, or any Barbel not being in length twelue inches, or any Salmons not sirteene inches, or Trowtes not eight inches long: If any haue done so, they shall forfeit certaine penalties. For the taking and killing of fish.

55 Also you shall enquire if any breake by day or night, the head or damme of any pond, poole, or moate, within which the Lord hath Fish, to the intent to scatter, steale, and destroy the Fish, he shall pay to the Lord treble damages, & shall be imprisoned three monthe, and after find sureties for seuen yeares of his good abearing. Breaking the head of any pond.

56 Also

Hunting of Deere.

56 Also you shall enquire if any doe hunt Deere out of the Lords ground, or kill any of his Deere, and present them.

Vnlawfull games.

57 Also you shall enquire if any person do keepe or maintaine any common house, alley, or place of bowling, quoites, cailles, tennise, dicing, Tables, or carding, or any other vnlawfull games, and present them: If they do, they shall forfeit certaine penalties: also you shall enquire if any person doe haunt the said houses and places: and further, you shall enquire if your Constables and other officers do make true search in such places which be suspected to bee frequented with any vnlawfull games, yea or no, if they doe not, they shal forfeit certaine penalties, you shall therefore present such offendors, 33. H.8. cap. 9.

Horses.

58 No stoned horse being of the age of two yeares, except he be foure téene handfuls high shalbe put to pasture in any common, forrest, or chase, vpon paine of forfeiting of the same horse: also the said grounds ought to be yerelie driuen at Michaelmas by the Lord, tythingmen, Constables &c. or within fifteene after, vpon paine of forty s. and if vpon the same driuing there bee found any Mare, sole, or gelding, not likely to be able to beare soles, or to doe profitable seruice, the same shall bee slaine and buried, 32. H.8. cap. 13.

59 Also

59 Also you shall enquire if the inhabitāts after robberies and felonies committed, doe make fresh suit from towne to town, or from countie to countie, or from hundred to hundred, according to the Statute of Winchest. 13.E.1.cap.2. For if a man be robbed in the day time, and the theefe escape, and is not taken within forty daies after the robberie, for lacke of hue and crie, the borough or hundred shall answere to the partie all his goods and dammages: also if any person bee killed in a towne in the day time, and the murderer or manslayer escape, not taken or arrested by those of the Towne, then the Towneship shall be amerced. 18.Ed.2. Hue and cry.

60 Also you shall enquire if your Constables and Churchwardens haue appointed any surueyor for the mending of High waies, leading to market Townes, or no, and if any chosen refuse the same office, he shall pay 11.s. also you shall enquire whether the same surueyors haue taken vpon them the said office, and put the same in execution: and whether the Parishioners haue done their dueties, and present all those that haue offended contrarie to the same statute, for the offenders shall forfeit certaine penalties. For the mending of High-waies.

61 Also you shall inquire if the ditches bee scoured, and bushes cut, according to the statute,

Scouring of ditches and cutting of hedges. Nota.

tute made in the first yeare of Q. Elizabeth, for not doing of the same, they shall forfeit ten shillings.

62 The moitie of all the forfeitures for these Statutes, the Church-wardens shall haue to bestow vpon the highwaies.

For watering hemp or flaxe.

63 Also you shal enquire if any person haue watered any Hemp or flaxe in any riuer, running water, streame, or brooke, or other common pond where beastes doe vse to drinke, they shall forfeit for euerie time so doing xx.s. the one part to the party grieued, or any other which will sue for the same: and the Statute 33.H.8.cap. 17. doth giue a remedie to sue for the same in Leete, by action of debt, bill, plaint, or information or otherwise.

Musters.

64 Also you shall enquire whether any refuse to come to musters before any person authorized to take the same, hee shall be imprisoned for ten daies, except hee pay to the king xl.s. and if any person appointed to take musters, receiue any money to release any appointed to serue, hee shall forfeit ten times so much as that hee receiued, 4.& 5.P.& M.c. 3.

Ryots.

65 If any persons to the number of iij. make an vnlawfull assembly, for to breake any bankes, enclosures, parkes, fish-ponds, barnes, houses, and such like, and proclamation bee made by the Sherife or Iustice of

Peace

peace that they depart, and notwithstãding they remaine together an houre after proclamation made, euerie such attempt is felonie: also euerie Copiholder being a yeoman, husbandman, or labourer, of the age of eighteene yeares, and vnder threescore, not sick, not hauing a reasonable excuse, and being required by the Iustice, Sherif, &c. to apprehend those persons aforesaid, and refuse, shall forfeit his estate during his life, and his Lord may enter: also the Farmer being a yeoman &c. refusing, is in the same case to his Landlord: also it is felonie if any person without compulsion, bring, send, or deliuer any money, harnesse, artillerie, weapons, or victuals, to any person assembled in such maner. Also the Iustice of peace or other officer may raise a power to suppresse them: and if any Officer kill any such rebellious persons, or maime them, they shall be free, and if any person know of any such pretended rebellion, and do not openly declare the same within twenty houres next after such knowledge, he shall bee imprisoned for three monthes without baile or mainprise, if he be not discharged by a Iustice of Peace: also hee that letteth or hindereth that proclamation that the same be not made, committeth felony.

22 Anno quinto Eliz. cap. 1. If any ertoll

Of the king & assurance of his power.

or set forth the authoritie of the Bishop of Rome against the forme of this statute, he shall incurre the danger of a Præmunire, and this Statute is to be declared in Leet.

Tracing of hares.

68 None may trace, destroy, or kill a Leueret in the Snow with a Dog, or otherwise, and hee that doth it shall forfeit fiue shillings eight pence, 13. H. 8. cap. 11.

Licences for wine.

69 Also you shall enquire if those persons which doe sell wines bee thereunto licenced, according vnto the Statute made in the eight yeare of Ed. 6. &c. vpon a greeuous paine and forfeiture, and for euery day occupying or selling of wine without licences. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults you shall diligently enquire and make a true presentment.

Then, after the charge is giuen, the Steward shall commaund the Crier to make Proclamation, and after proclamation made three times, the Steward shall say.

IF any can enforme the Steward, or this enquest of any pettie treason, felony, petty Larceny, Purpresture, breaking of pounds, or of rescous, or of any other thing done against the peace, or of any person of euil behauiour

niour within the Leet, or of any artificer that doth make deceipt, or of any other misdemeanour of any officer or other person here, or of any waife or stray, treasure found, or of any other thing here to bee enquired of: come in, and you shall be heard.

Then if any come in, hee shall bee sworne to giue euidence to the Iurie: And after that the Steward shall say to the Enquest:

GO you together, and inquire of the matters of your charge, and when you bee agreed I shall be ready to take your verdict.

An addition of diuers other matters enquirable in Leets; not mentioned in the former edition.

1 IT is lawfull to all Stewards and Bailifes in their seuerall Leets and Lawdaies, to enquire, heare, and determine euery offence committed contrarie to the tenour of the Statute made 33. H. 8. concerning crosbowes and hand-gunnes, so that allwaies no lesse fine then x. l. be assessed vpon euery such presentment and conuiction, the one moitie of euerie such fine to be leuied to the vse of the king, and the halfe of the other moity to Crosbows and Handguns.

the owner of the Leet or Law-day by distres, or action of debt, and the other halfe of the said moitie is to be to the partie that will pursue for the same in any of the Queenes Courts by action, information &c. wherein no wager of law, essoine, protection &c.

2 And if any Jurie sworne and charged to enquire for the king, of any offences committed contrarie to the said Statute, doe wilfully conceale any of the said offences: Then the Stewards or Bailifes before whom any concealement shall be had, haue authoritie to charge and sweare another Jurie of twelue or more, to enquire of such concealement: and if such concealement bee found and presented by the said Jurie, then euerie of the first Jurie shall forfeit for euerie such concealement of euerie offence twentie shillings, the one moitie to be leuied to the owner of the Leet or Law-day by distresse or action of debt, and the other to the Informer to bee recouered by action, information &c. wherein no wager of Lawe, Essoine, Protection &c.

3 But if the presentment or suit for any of the said forfeitures be not commenced within one halfe yeare next after the offence committed, then the offender shall bee thereof cleerely discharged, 33. H. 8. 16.

4 Lords

4 Lords in Leets, and their Stewards, within the precinct of their Lects haue authoritie to enquire and take presentment by the oath of Iurors, of all and euerie offence and offences committed contrary to the Statute 31. Eliz. touching the erecting and maintaining of Cottages and Inmates, and vpon presentment made to leuie by distresse to the vse of the Lord of the Leet all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7. New cottages. Inmates.

5 The Steward in euerie Lect shall haue full power and authority to enquire, heare, & determine as well by presentment of twelue men, as by accusation or information of two honest witnesses, of, for, and vpon all & euerie the offences and forfeitures committed (contrarie to the Statute prouided, 2. Ed. 6. for the true making of Malt) as well for the king as for the partie that shall sue, procure, or cause the same to bee presented, 2. Ed. 16. 35. Eliz. 7. Malt.

6 Stewards of Leets, Liberties, and Lawdaies within their seuerall iurisdictions shall and may heare, enquire and determine of all and euery offence and offences which shall bee committed within the precinct of their Liberties, Iurisdictions, or Franchises against the tenor of the act made,

An. 23. Eli. 6. for the preseruation of feasants and partridges, 23. Eliz. 10.

7 Stewards in their Leetes and Lawdaies, haue authoritie to heare and determine euerie default and offence of Hostlers, or Inholders making horse bread not sufficient, lawfull, and of due assise, according to the price of Corne, committed within the limits of their iurisdiction, contrarie to the statute in that case prouided, 32. Henr. 8. 41.

Horse bread.

8 The Lord of euerie Leet hath authoritie to enquire of all the offences committed contrarie to the purport and forme of the Statute prouided (1. Eliz. for the preseruation of spawne and frie of fish) within the precinct of the said Leet, such enquirie to be had in manner and sort as common amerciaments or other things enquirable in Leets haue beene lawfully vsed to be made, and vpon euerie such presentment had in any Leete Court by the oath of twelue men, of any offence made contrarie to the said Statute, all forfeitures appointed for such offence, shall be vnto the Lord of the said Leet, and shall be leuied as amerciaments for fraies committed within the precinct of such Leet, haue beene vsed to be leuied. And if the steward of a Leet or some other for him doe not charge the Iurie sworne

Fish.

ſworne in euerie Leet to enquire of all offences done within the precinct of the ſame Leete concerning the killing of Spawne or Frie of fiſh, kepper, or ſhedder Salmons or Trowts, Pickerell, Salmon, trowt, or Barbell, being not of lawfull length. And concerning the maſh of nets and other engines, hee ſhall forfeit for euery offece forty ſhillings to the king, and him that will ſue for the ſame.

9 And if any Jurie ſworn in a Leet hauing charge to enquire of the premiſſes, doe willingly conceale & make default in preſentmēt of the offence and offenders, then the Steward or Bailife, or their deputy, may impanell an other Jurie within ỹ ſame Leet to enquire of ſuch concealement, which being found, euerie of the Jurors ſo concealing ſhall forfeit xx. s. to the Lord of the Leet for euerie offence.

10 Sauing alwaies to all and euerie perſon and perſons, bodies politik and corporate & euerie of them, all ſuch right, title, intereſt, claime, priuiledge, and conſeruation, & enquirie, and puniſhment, of & for any the offences aforeſaide, as they or any of them lawfully haue and enioy, or of right ought to haue & enioy by any maner of meanes, any thing &c. notwithſtanding. 1. Eli. 17. 35. Eliz. 7.

Finis de le charge de
Court Leet.

THE ORDER OF

keeping Court Baron.

The Stile of the Court.

Ouerstoy *Curia Baronis M.L. ibidem tenta die Martis, videlicet decimo quarto die Iunij, annis regni Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis fidei defensoris &c. viz. Angliæ, Franciæ, & Hiberniæ secundo, & Scotiæ tricesimo octauo, tent' per Seneschallum.*

After the stile of the Court entred, you shal cause the Bailife to crie once Oyes, and then call the Iurors.

Examp	John Doe,	*Iurors*	Rob. Dodge.	*Homage.*
	Richard Roe,		Tho. Lodge.	
	John Den,		Adam Clarke	
	Richard Fen,		Dauid Parke,	
	Walter Helle,		Henry Loe,	
	Robert Allen.		William Croe	

After the Iurie is called, the Bailife shall crie another Oyes, and then the Steward shall say.

If any will be essoyned or enter any plaint come in, and you shall be heard.

The Essoines be set before the homage, in M. Kitchins Booke, a better than here, for first should

should the sutors bee called, and their appearance, defaults, or essoins, be recorded, before it can bee knowne who did appeare to make the homage.

And after the Essoines be entred, and your plaints and pleas thereto made, than impanell the Jurie and sweare them.

After the enquest is impanelled & sworne, make another Oyes, and say, You good men which be of the Jury, come nére, and you and all other keepe silence during your charge.

An Exhortation to the Iurie.

My maisters you that be sworne, before I giue you charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commanded to be here, and and for what cause. Chiefly you are appointed to be here for that you be the Lords tenãts & are bound by reason therof to appeare at the Lords Court Baron when it shall be kept according to the Law, that is to say, at euerie three weeks end, being warned, and being by the same authority there, to end & determine iniuries, trespasses, debts, and other actions, where the debt or damage is vnder forty shillings: & also that nothing be done within the Manno, hurtfull to the inheritance of the

the lord of ỹ manor, which ought to be enquired and presented for the Lord: and that you be the more diligent and careful in enquiring and presenting the same, I haue ministred an oath vnto you, which is the calling or taking to witnesse of God his name, to confirme the truth of that you shall say, and present, minding neither fraud nor deceit, but only the truth, not partiall, but seeking the glorie of God and the profit of your neighbours, and the Common weale of God his people.

The Charge.

1 FIrst, you shall enquire of the suitors, which owe any suit to this Court, whether they be here, or no, & present their names that make default, for they which bee absent ought to be present here as wel as you, except they haue some lawful impediment to the cõtrarie, for they hold their lands, as well to doe their suit, as to pay their rent, so that if they doe not their suit, they shall be amerced, or the Lord may haue good remedie for the same: otherwise you shall vnderstand, that euery cõmon suitor is bound by the lawes to appeare at the Lords Court Baron at euerie three weeks end: notwithstanding, the Lord for your ease (which he esteemeth more then his owne profit)

The tenants are bound to appeare at euerie three weekes end at the Lords Court Baron.

fit) suffereth the same to bee kept but seldom, as appeareth, for which cause euerie of the tenants ought the more willingly to come vnto his Court at such times as he doth appoint for the same: for if they wilfully absent themselues, then they render euill for good, and besides that, they incur the danger of periurie, for whē they did their fealtie, they were sworn to be true tenants vnto their Lord, and to pay and doe all manner of suits, customs, and seruices due for their Tenements, at their day assigned: and therefore let euerie man remember his oath and duetie, and doe his suites and seruices, according to the same, or else hee shall fall into the danger aforesaid.

2 Next you shal inquire whether there bee any Tenant dead sithence the last Court day, or before, whose death as yet is not presented, and you shal present the same: also what lāds and tenements he held of this Lordship at the time of his death, and by what seruices, that is to say, whether it were by knights seruice, socage tenure, or Copyholde, and what aduantage the Lord shall haue by his death, as Ward, marriage, releefe, Eschеat, Fine, herriot &c. And who is his nert heire, and what age he is of, and in whose keeping, and present it. You shall vnderstand there be diuers maner of Tenures, but most men doe hold by knights

What tenants are dead since the last Court.

What land he holdeth, and by what seruice

Also who is next heire.

knights ſeruice, or ſocage tenure.

Knights ſeruice what it is.

3 Knights ſeruice is when the Tenaunt holdeth of the Lord by Eſcuage, that is to ſay, by the ſeruice of the ſhield: alſo to hold by caſtle gard, that is to ſay, to keepe a Caſtle, or Tower, or doore, or other place of his Lords, vpon reaſonable warning, when the Lord heareth that enemies do come into England that is knights ſeruice.

Homage, fealty, & Eſcuage, Knights ſeruice.

4 Alſo he that holdeth by homage, fealty, and eſcuage, holdeth by knights ſeruice: alſo he which holdeth of his Lord to blow a Horne to warne the men of that countrie when enemies doe come into England, holdeth by knights ſeruice: and knights ſeruice ought alwaies to bee done by the body of a man, and that ſeruice draweth vnto it, ward, marriage, and reliefe: for when ſuch a tenant dieth ſeiſed and his heire male within age and vnmaried, the Lord ſhal haue the land holden of him, and alſo the marriage of him vntill hée bée of full age, that is to ſay, the age of xxj. yeares. But if ſuch a Tenant died ſeiſed, his heire female being of the age of fouretéene yeares, or more, then the Lord ſhall neither haue the Wardeſhip of the Land, nor yet of her body for that the law entendeth, that a woman of that age may haue a huſband able to doe knights ſeruice: and if ſhe be within the age of 14. yeares

Knights ſeruice is done by the body of man.

Knights ſeruice draweth vnto it, ward, mariage and reliefe.

and

and vnmarried, then the Lord shall haue the wardship of her land, and also of her body, vntill shee bee of the age of sixteene yeares. And some such Tenants do hold by a knights fee, and some by halfe a fee, and some by more, and some by lesse: and if such a tenant dieth which holdeth by one knights fee, and his heire being of full age, then the Lord shall haue homage and fealtie, and also fiue pound for a relefe, and of him which holds by half a knights fee, v.l. x.s. and he that holdeth by more shall pay more, and he that holdeth by lesse shal pay lesse: you shall therefore present whether any such Tenant died seised of any such lands and tenements so holden, yea, or no.

Alienation by collusion, and holding by Knights seruice.

5 Also you shall enquire whether any tenant which held by knights seruice, made any feoffement to his heire, & after died, his heire being within age yea, or no, for notwithstanding such feoffement the heire is to bee ward.

6 And whether any such Tenant made any alienation of any such land so holden to any person by collusion, to defeat the Lord of his ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall haue the ward and marriage of his heire, and also of his lands, as well as if the said Tenant had died seised of the same land.

7 Also you shal enquire whether any such tenant

Feoffement a son vse, the lād holden in knights seruice.

Tenant which held by knights seruice, did make any will of his lands, or conueyed any of them to his wife or Children, or to friends, to pay his debts, which notwithstanding any such wil or conueyance the Lord shal haue the wardship of his heire, and custody of the third part of his lands, 34. & 35. H. 8.

Entry for condition broken.

8 Also you shall enquire whether the heire of such tenant, entred into any such lands so holden, for any condition broken, being made by any of his ancestors, and present it.

Entry into Religion.

9 Also whether such entrie in Religion beyond sea now be not treason, and so the party to forfeit the land to the king.

Disseisin of the tenant, and death before any reentrie.

10 Also you shall enquire if any Tenant which held by knights seruice, was disseised of lands so holden, that is to say, put out of them by one which had no rightfull title to the same, and after died before any reentrie, or any lawfull recouerie had, and present it, for the Lord shall haue the wardship of the bodie of the heire and of his land, as well as if his tenant had died thereof seised.

What Socage tenure is.

11 Socage tenure is, as if the tenant holdeth of the Lord by fealtie and certaine rent for all manner of seruices, or by homage and fealty for all manner of seruices, or by Fealty onely for all manner of seruices: or to pay a summe of money for escuage, or to pay a certaine

taine summe of money for Castle Garde: all such Tenures are Tenures in Socage: and all other Tenures which are not Tenures by knights seruice, are Tenures in Socage: and where such Tenants die seised of any lands so holden, the Lord of whom the land is so holden, after the death of his tenant, can haue no more profit but onely his fealty and reliefe, that is to say, as much money and seruice as one yeares rent doth amount vnto: as if the Tenant held by fealty, and ten shillings rent, the Lord shall haue ten shillings for a reliefe, ouer & besides the ten shillings which hee shall pay for his rent, & in such case after the death of the Tenant, such reliefe is due to the Lord maintenant or immediately vpon his ancestors death, so ỹ the heir be of the ful age of fourteene yeares, and he ought not to tarie for his releefe vntil the day of paiment of the rent but he ought to haue his reliefe maintenant, and for that he may distraine immediately after the death of his tenant.

Releefe is as much money as one yeares rent.

13 Also if a Copiholder die, sole seised of any lands or Tenants so holden, his heire being of the age of fourteene yeares, then hee shall pay a fine vnto the Lord, & do fealty, & be admitted tenant: but if the heire be within the age of xiij. yeares, then some Gardon shall bee admitted to occupie his Copihold, and to pay

A Copiholder dieth.

and

and to doe his ſeruice due for the ſame, that is to ſay, if lands diſcend from the father, then the mother or ſome of her next kinne ſhal haue the occupation of the ſame lands, vntill the heire be of the age of fourteene yeres, and they ſhall pay a little fine for the gardenſhipp, and the heire at his entrie ſhall pay the whole fine, you ſhall enquire thereof and preſent the ſame.

13 Alſo you ſhall enquire whether any Tenant which held by Socage Tenure, did make any Feoffement in fee to his vſe, and died ſeiſed of the vſe, his heire being within age, and no Will by him declared of the vſe, and preſent it: for the Lord ſhall haue his reliefe, as well as if he had died ſeiſed of the ſame lands.

Whether any Freeholder hath alioned any of his freehold lands.

14 Alſo you ſhal enquire whether any freeholder hath alioned or ſold away his freehold lands or Tenements, or any parcel of them, and preſent it: for hee which hath bought the land, before hee enter, ought to come to giue notice vnto the Lord that hee hath bought the ſame, and ſo the Lord ſhal know his Tenant, and in caſe where but part is ſold, the ſeruice which the former paid vnto the Lord, ſhall bee appoꝛtioned according vnto the value of the lands ſold and retained.

15 Alſo you ſhal enquire whether any which

held

held by Herriot ſeruice, or Herriot cuſtome, died ſeiſed of any landes or tenements ſo holden, and preſent it, for the Lord ſhall haue of euerie of their ſeuerall parts diuers Herriots, at their ſeuerall deathes, alſo if one man haue two ſeuerall parcels of lands holden by Herriot ſeruice, and by two ſeuerall titles, and dieth ſeiſed of the ſame, the Lord ſhall haue after his death two Herriots. Herriot ſeruice. Herriot cuſtome.

16 Alſo you ſhall enquire if any Copyholder die ſeiſed of any lands ſo holden, and preſent it: Alſo whether any Copiholder hath made any leaſe of his Copihold, or otherwiſe alienes or ſold the ſame, and preſent it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or ſell away his Copihold, he ought to come into the Court & ſurrender the ſame into the hands of the Lord, to the vſe of him which ſhall haue the ſtate, or elſe out of the Court he ought to ſurrender it vnto the Bailife, or to ſome of the Tenants of the Lordſhip, to the vſe of him which ſhall haue the ſtate, and they to whome the ſurrender is made, ought to preſent the ſame at the next Court, and then pay his fine for the ſame, and take it to his vſe in the Court, and doe his endeuour to be admitted, and if he be not at the ſame Court, then the Lord ſhall haue the meane profits of the ſame lands, all the rent Whether any Copiholder dieth ſeiſed of any ſuch lands. How a Copiholder ought to ſurrender his Copihold.

seruices and reparations being deducted, vntill he be satisfied for his fine, according to his dueties.

Whether any Copiholder hath made any surrender.

17 Also you shall enquire if any Copiholder hath made any surrender of his Copihold, or any part thereof sithence the last Court day, or before, and present it: & into whose hands it was made, & in whose presence, or to whose vse: for at euerie surrender ỳ Lord ought to haue a fine, and the party into whose hands the surrender is made, ought to come to the next Court, and present the same, and to yeld vp and testifie the surrender into the Lordes hands, to the vse of the alienee, according vnto the trust reposed in him, or otherwise hee forfeiteth his Copihold, except hee haue a reasonable excuse: for that hee doth as much as hee may to defeat the Lord of his fine, and also to defeat the other party to whose vse the surrender was made. Not. The party that receiued the surrender had no right by it.

Mortmaine.

18 Also you shall enquire if any tenant of the Lordship haue giuen any lands into mortmaine, and present it.

19 Mortmaine is if a man giue or sell any lands to any house of religion, or to any other which be corporate by the kings grant: also if one make a Feoffement vpon trust to the vse of an house of Religion, or to the vse

of

of a Guild or fraternitie Corporate, that is Mortmaine,

20 Also if one exchange lands or tenemẽts with an Abbot, or other bodie Corporate, this is Mortmaine.

21 Also if a man of religion, or other bodie corporate, doth hold of any man by knights seruice, and he release vnto him, this is mortmain, and then the king or Lord may enter, & shall haue the same by force of the Statute in that behalfe made, viz. the nert Lord if hee enter within a yere after the alienation, or in the Lords default, the king: you shall therefore present them that haue giuen any lands or tenemẽts in mortmain, & whẽ ỹ same was done

A Statute made thereof, that the king or Lord shall haue the same.

22 Also you shal enquire whether any tenant for terme of life, or yeares, or any Copiholder of this lordship hath made any wast, or suffered any wast to be done vpon their lands and tenements, yea or no.

Wast.

23 Wast is when any Tenant for terme of life, yeares, or any Copiholder pulleth downe any house, or cutteth downe any timber Trees, or suffereth the house willingly to fall, being on their Copie Tenements, or if any of the Tenants plowe vp any meadow ground, or if they suffer any Wall or Pale which were couered, to be vncouered, by reason whereof the same wall or pale doth fall

What wast is, and how the same is done.

in decay, or if any of them digge coals, chalk, or sand, or make any mines in their grounds, then they make waste. And if they fell a tree to the value of three shillings foure pence, this is admitted waste: But if a man cut downe timber to repaire the old houses which stand vpon parcell of the same ground, and therewith doth repaire them, then it is not wast, but if hee with the timber build a new house, then the cutting down of such timber is wast: Or if hee cut downe any timber to sell, to repaire such houses which are fallen in decay, such is wast. But if wast bee done with a tempest, no Tenant shall be punished for such wast: but if wast bee done by any daunger, the Tenaunt shall bee punished for such waste: Also it is no waste to fell in seasonable time such trees as haue beene felled within xx. yeres before: but if the tenant cut down such trees to burne vpon their Tenements, where they haue wood sufficient, this is wast. Also a Copiholder may not cut downe wood to sel, but he may to burn, vpon his tenement, or to make reparations as afore said.

Wether any tenant in possession died seised without any heire.

24 Also you shall enquire wether any Tenaunt in possession or reuersion died seised of any Land or Tenements holden of this Lordship, hauing no heire at the time of his death, yea or no, and present it, for then the

Lord

Lord shall haue the land holden of him by Escuage. You shall vnderstand, that none shall haue landes in fee simple as heire vnto any man, vnlesse hée bée heire of the whole blood: for if a man haue issue two sonnes by diuerse women, and dieth seised of the same land, and the eldest entreth and dieth without issue, the yongest shall not haue the land as heire vnto his brother, because hée is of the halfe blood, but some other heire of the fathers side shall inherit the same land, and if he haue no heire on the fathers side, then the next heire on the mothers side shall not haue the land, but the Lord of whome the land is holden shall haue the Land by Escheate: and so when land descendeth on the mothers side, the heir on the mothers side shall inherit, and not the heirs of the fathers side. And you shall vnderstand, that a Bastard can neuer bée heire vnto any man, nor yet haue heire vnto himselfe but his children: therefore if any Bastard die without issue, or any other Tenant haue died seised without heires, you shall present it.

A Bastard may not inherit.

25 Also you shall enquire if any Tenaunt was seised of any lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward died without any heire, the Lord shall haue his Escheate as well as if his Tenant had died seised.

Whether any Tenant died being put out of his lands by one which had no right.

Petie treason, felonie, or murder committed by any tenant, for which he was hanged, or had iudgement to be hanged.

26 Also you shal enquire whether any tenant of this Lordshippe hath committed any petie treason, felonies, or murders, for the which he was hanged, or for the which he had iudgement to be hanged, though afterward he died by the act of God, or prayed his Clergie and was allowed it, and deliuered to the Ordinarie before the statute made in ỳ 18. yere of Q. Elizabeths raigne, or else since that statute was burned in the hand, and deliuered out of prison according to the Statute, for by that iudgement he was attainted, and ỳ lord entitled to the Escheat of his lands, and therfore if any such be present it. And whether any tenant hath committed any petie treason, Felonie or Murder, for the which hee hath abiured the land, or for the which he was outlawed, or for the which hee was beheaded, or for the which he was ouercome by wager of battaile vpon any appeale, or in the combat put to death, and present it: for in all these cases the Lord of whome the Lands are holden, shall haue the lands by Escheate, and also the Euidences concerning the same.

Whether there be any rents lost, or seruices withdrawne.

27 Also you shall enquire if there be any rents, customes, or seruices withdrawne frō the lordship, which of right ought to be done, & present it: & what rents, customs, & seruices they are, and by whom they are withdrawn,

and

and where the land lieth out of which they be due, and who holdeth the same, that the Lord may haue his remedie for the arrerages thereof.

28 Also you shal enquire whether the Copiholders or the Farmers of this Lordship do vphold and repaire their Tenements, yea or no, and present the same: you shall vnderstand that euerie Tenant is bound to three things: First, that he bee true tenant to his Lord: secondly, that he sufficiently repaire his Tenements: and thirdly, that he pay and doe all suites, customes, and seruices at his dates assigned: for he took vpon him so to doe when he did his fealty, and if he do not pay his suits, customes & seruices, the Lord shall haue good remedie and recouer the same with his damages: and if he be a Copiholder, and do the contrarie, he doth forfeit his copihold. Whether the tenants do vphold or repaire their tenements

29 Also you shal enquire if any tenant of this Lordship which is bound by reason of his Tenure to doe suit vnto the Lords Mill, doe the same, yea or no, and present it: and whether any haue vsed to withdraw their suit from the Lords Mil, in not grinding their come there, yea or no, and present it. Whether any tenant haue withdrawne his seruice.

30 Also you shal enquire whether any waife or stray, is, or was within this Lordship, and whether the Lord bee answered of the same, Waife and stray.

yea or no: if not, present by whome they are conueyed away: also you shall enquire if any Herriot bee conueyed away, yea or no, and present it, and by whome.

What a waife it.

31 A waife is, if a theef vpon hue and crie and pursuite after him, or otherwise to ease himselfe of his carriage, without hue and crie doth waife his goods, that is to say, doth leaue and forsake his goods which he hath stolne, or any parcell of them, by reason whereof the King or any other Lord or officer in his right or in his owne right doe seaze the goods: in those cases ỹ goods so seazed, are called waifs; and the same law is, if any officer take any goods of a theef, suspecting that he hath stoln them, though there be no pursuit made: and in these cases, the king or else the lord, by reason of a grant made by the king, or by the prescription, shall haue the goods so waifed, if the owner of them doe not make freh suit after the thiefe to attaint him for stealing of the same goods: which freh suit if hee make, hee shall haue his goods againe, though they bee waifed, but then hee must sue an appeale, or else procure the party to be indicted and conuicted by euidence at his pursuit, according to the statute made 27. H. 8. cap. 11.

What an Estray is.

32 An estray is, when any horse, mare, Oxe, Sheepe, or other Beastes, are in the

Lord

Lordship, and no man knoweth the owner of them, they shall bee seised vnto the vse of the king, or to the Lord which hath such an Estray by the king his grant, or by prescription, and if the owner come and make claime within a yeare and a day, then he shall haue it againe, or else after the yeare and the day, the propertie thereof shall bee to the King, or else to the Lord which hath the same by grant or prescription, so that the Lord make proclamation thereof, according to the Law, in the next markets, and in the Church.

33 Also you shall enquire, whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous,

34 Rescous is when the Lord distraineth in the land holden of him for his rent, or services behind, or if the Lord come vpon the lands and would distreine, and the Tenant or some other will not suffer him, that is rescous: Also if the Lord distreine for service behind, or for damnage feasant, and in driuing Cattel to the pound, the beastes enter into the house of the owner, if in such case hee that distraineth doth pray deliuerance, and the possessors will not deliuer them, that is a Rescous, therefore you shall present it, if Rescous haue bin made.

35 Also you shal enquire whether any person hath broken the Lords pounds, that is, to Breach of pownd.

haue

haue take away a distresse put in, yea or no, and present it. You shall vnderstand, that if the Lord doe distraine any Tenant for rent, or seruice behind, hee may impound the same distresse in a common pound if he will, or in his owne ground, or in his neighbours if hee will, by the licence of his neighbour, and all those places in which the Lord doth impound any cattell, are called the Lords pownd: but alwaies when another doth impownd any distresse in his owne pownd, or in his neighbours, it behoueth him to giue notice to the other partie, for that if the distresse bee quicke hee may giue it meate, and then if the Beast die for want of food, hee that was distrained shal be at the losse, and then he that distrained before may distraine againe for the same rent or duetie.

Whether any Tenant hath let any farme fall to decay, viz. not maintained husbãdrie as before.

36 Also you shall enquire if any tenant of this Lordship, hath let any farme or house fal into decay, which at any time sithence the first yeare of the raigne of k. H. 7. hath beene let with twentie acres of land being in tillage yea or no, & present it: for if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and keepe them to his owne vse, vntill such time as the houses shall be sufficiently builded and repaired, that is to say,

maintained againe for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. Eli.

37 Also you shal enquire if any inhabitãt of common, haue ouer-charged the common or highwaies, or your common fields, by putting in more cattell then they ought to kẽpe, & whether any of them haue put their cattell in any their cõmons aforesaid, before the daies agreed vpõ, and presẽt it, for the Lord or any commoner (as it seemeth) may distraine the surplusage damage feasant, or else you may make among your selues orders & lawes for your owne profit, that none shall doe vpon pain of certain penalties, &c. & by such lawes the inhabitants & commons shal be bound, &c. Whether any haue ouercharged the common.

38 Also you shall enquire if any person haue made any Pits in the High-waies, and whether any person do cõmonly vse to breake hedges, and to suffer Hogs to goe vnyoaked, or vnringed, to the annoyance of their neighbours. Whether any pits be made in the high-waies. Breaking of hedges Hogs vnyoaked or vnringed.

39 Also you shall enquire whether any person hath streined or stopped any waies, water ditches, pathes, or turned any of them into a wrong course, and presẽt it. Stopping, waies, waters, &c.

40 Also if any haue encroched any land of the Lord, that is to say, land, meadowe, pasture, wood, heath, more, or any other vacant land Whether any haue encroched.

land without licence of the Lord, by setting of his hedge, pale, or otherwise, and present the same.

41 Note that all the vacant and waſt land within the manour; is to the lord of the manour.

Whether any haue remoued any markes.

42 Alſo you ſhall inquire whether any perſon haue ared, plowed vp, or remoued away any Meere-marks, balks, or limits betweén one peece of land and another, and preſent it.

Whether any haue ſtalked with buſh or beaſt.

43 Alſo you ſhall enquire if any haue ſtalked with a buſh or beaſt to kill Deere which is in the lords chaſe and parke, and preſent it.

Whether any haue or doe keepe away any euidences

44 Alſo you ſhal inquire if any perſon hath or keepeth away any euidences, charters, or court rolls, cuſtomarie terrars, or any other euidences which concerne the lordſhip, or any parcell thereof, yea or no, and preſent it.

Whether any haue fiſhed, fowled, hawked

45 Alſo you ſhal inquire if any perſon haue fiſhed, fowled, hawked, or hunted in this lordſhip or lords warren, and preſent it.

Whether any haue taken any feaſants, &c

46 Alſo you ſhal inquire if any perſon haue take any feſats, or partriges, with net, ſnare, or other engine vpon the Freehold of the lord of this manour, and preſent it.

Swannes or Swannes eggs.

47 Alſo you ſhall inquire if any perſon haue taken away the eggs of the lords ſwans out of their neſts, and preſent it.

48 Alſo you ſhal inquire if any lands of the

Lords

Lords be kept back, or occupied by any without the licence of the Lord: also what land it is, and how much land hath beene so occupied and of what value by the yere the same is, and present it. Concealed land.

49 Also you shall enquire whether the Lord haue any Villaine within this Lordship, and what goods, cattels, and lands hee hath, what estate hee hath, that the Lord may seise thereupon: also what other things hee hath: also if any villaine carrie his goods out of his Lordship without licence of the Lord: or if any freeman espouse a Niese without licence of the Lord, you shall present the same. Note if a villaine purchase land, and doth alien the same to another before the Lord enter, then the Lord after shall not enter: otherwise it is if the Lord enter before the alienation of the villaine: the same law is of goods, but the Lord may not seise the goods that the villain hath as Executor. Whether the Lord haue a villaine within the Lordship.

50 Also you shall enquire if any trespasse be done in any of the Lords liberties, viz. in his Corne, grasse, meadows, pasture, woods, hedges, waters, or ponds: or if any take honie, swarmes of Bees, or any Hawks, or ayrie of Hawkes, or such like trespasse, and present them. Trespasse in the Corne, Grasse &c.

51 Also you shal enquire if any land be inclosed,

For inclosing in seueralty grounds without licence of the Lord &c.

inclosed, and the same kept in seueralty, which ought to lie open, without licence of the Lord and other freeholders, you shall present the same, for that no tenant of the Lordship shall lose the Common in the same.

A Copiholder may not let longer then a yeare and a day.

52 Also if any Copiholder let his Copihold land for longer time then a yeare and a day, without licence, except it bee by custome that he may let for longer time, and if he doe, it is a forfeiture, and present the same.

Whether any be outlawed.

53 Also you shal enquire whether any tenant of this Lordship hath beene outlawed in any action of Trespasse, or other action; and present it, and whether the Lord be answered of his goods and Cattels, yea or no, & present the same.

Granting greater estates

54 Also you shall enquire whether any tenant for yeares, or life, haue granted any greater or larger estate then they had in their lands or tenements, yea or no, and present it, for that is a forfeiture of their estates.

Whether the Bailife and other Officers doe execute their Office.

55 Also you shall enquire if the Bailife, Headborough, Constable, and Haiward, and all other Officers, haue wel and truely executed their Offices, yea or no, and present it.

Note, Headborough nor Constable be not to present in a Court Baron.

Whether the default and

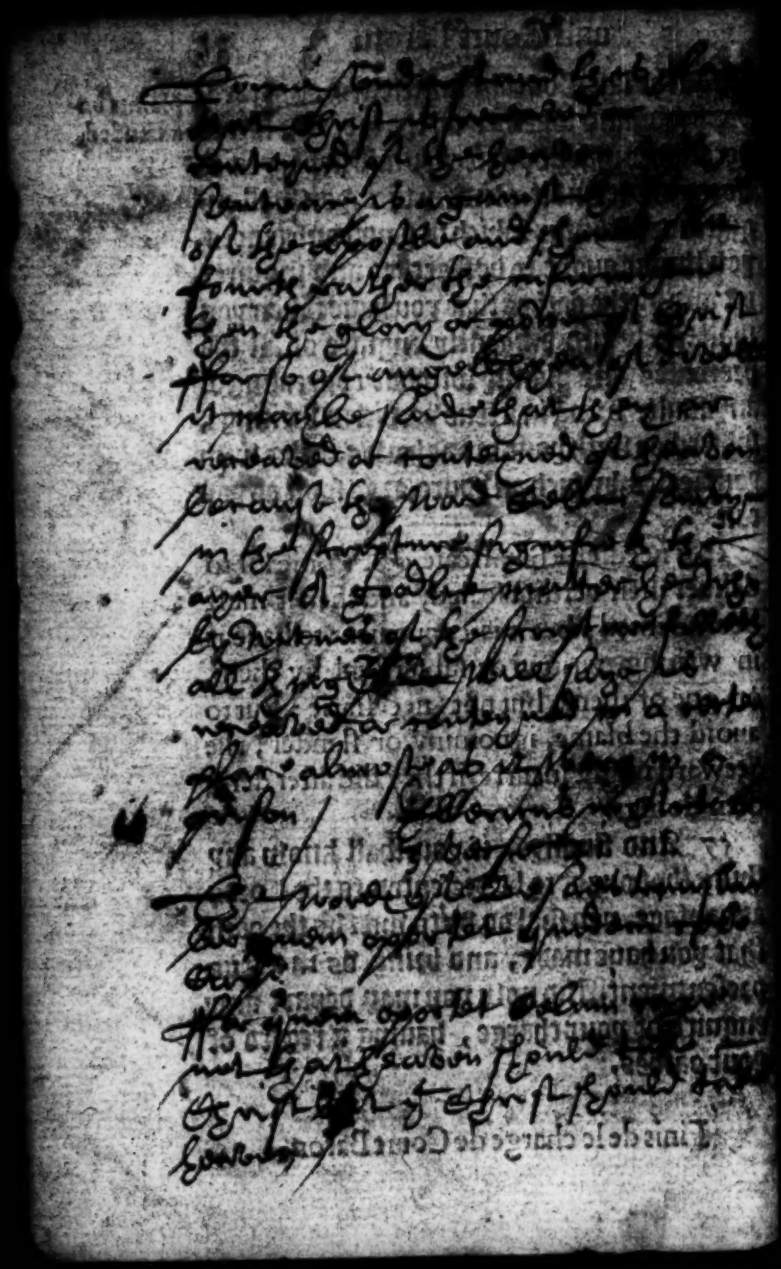
56 To conclude, you shal enquire whether all the defaults and plaints that were presented

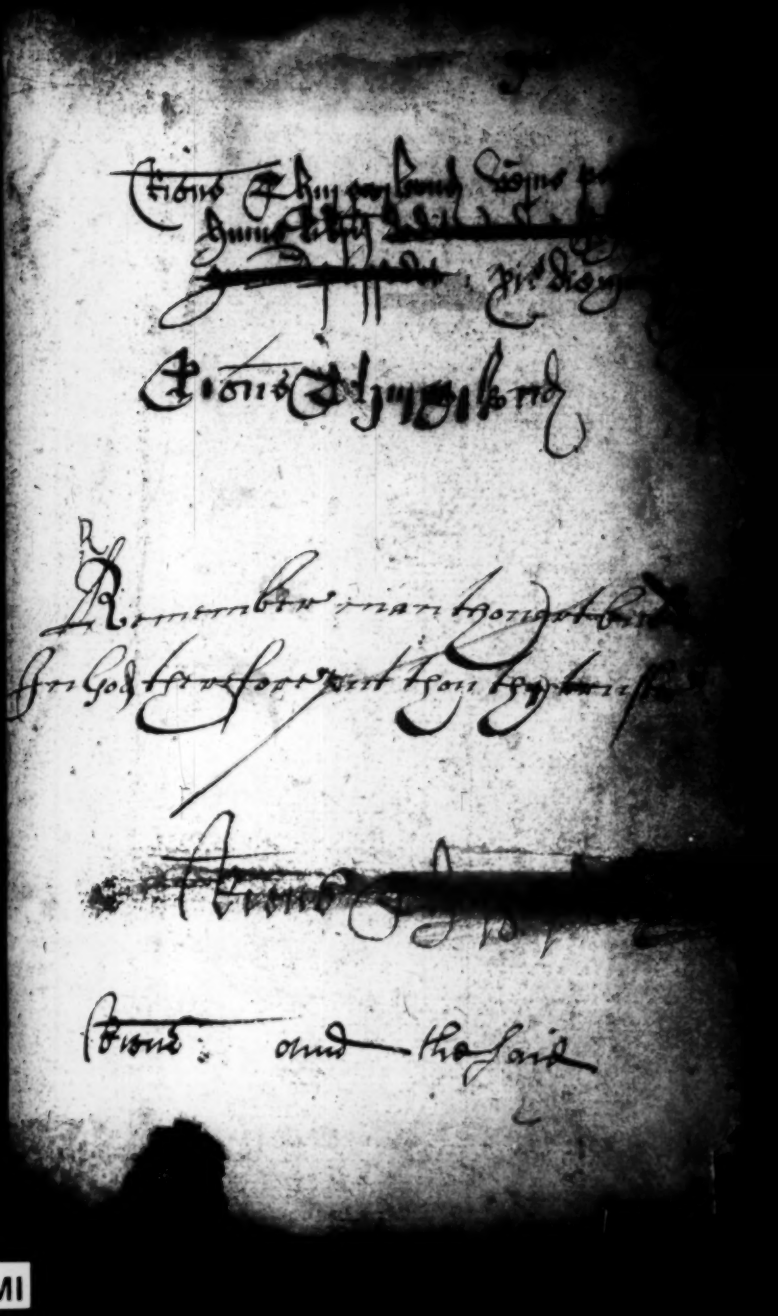
ted at the last Court be sufficiently amended, yea or no, and whether all the orders & lawes heretofore made be obserued and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences, you thinke ought to be searched and inquired of, and by the oathes that you haue taken you shall truely and diligently enquire of all the premisses, and plainly without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seales, by such an houre, or as soon as you can. plaints be amended.

It is needlesse but in case of Felonie for to deliuer their verdict sealed, and then it must be indented, but it is conuenient to haue it in writing, written or subscribed by them, or one of them, but not necessarie: But to auoid the blame, ignominy or slander, the Steward might incurre, if they did after deny their doings.

57 And finally, if you shall know any thing that ought to be presented to the Lords aduantage, you shal do vs to wet by the oath that you haue made, and bring vs in a true presentment. And now you may depart and enquire of your charge, hauing a regard of your oathes.

Finis de le charge de Court Baron.





Waste

The wast and Estrepemt wth one person
having a perticuler estate in another mans
land doth make or committ to the disheritance of
of him in the rewcon or remainder of the same
land wthout his consent may be accompted an
oppression of him in whome the said inheritance
is: for when one person doth lease or oth wise
conveyg his land to another for the terme of
life, lives, or yeres, he doth in effect but lend
the same land to the said pticuler tenant for
the terme betweene them agreed upon, &
expectinig to have the same againe att thend
of the terme in as good plight and in such
sort as it was when he first did deliver &
lend it: And therefore if the pticuler tenant
during the contynuance of his estate, doe committ
any wast in the same land, he cannot deliver
it againe att thend of his terme in such plight
and sort, as att the first he did receive and
borrow it; but by the wast the ppetuall &
profitt of the land is impaired, and there-
fore of soe much in value, he in the rewcon
or remainder is disherited; And for the
prevention thereof, by the statute of Marlbridge

it was ordayned That farmors during
their termes shall not make wast sale or
exile of houses woods or men, nor of any
thing belonging to the tenth wth they have
in farme, without they have some speciall
granut in wryting, makeing mencon of a
Covenant that they may doe it And to the
intent that condigne punishmt might be
provyded and inflicted upon such as should
be transgressors and oppressors in these
cases of wast, by the statute of Glocester
it was macted; That a man shall have
an accon of wast in the Chauncery against
him wth is tenant by the Courtesie of
England or otherwise tenant for terme of
life, or for terme of yeres, or against a
woman wth holdeth in Dower; and he
wth shalbe attainted of wast, shall forfett
the thing wasted, and besides shall pay
treble soe much as the wast shalbe taxed;
And after by the statute of Westm the
second the same was in a sort confirmed,
and the said accon of wast was againe
given against the foresaid tenants by the
Courtesie, in Dower, for terme of life, or
yeres, and also ordayned to extend against
Guardians And by the same statute,
the proces to be sued in the said accon of
wast, was assigned to be Sommons,

Attachment and distresse, and if the partie
defendant doe not appeare att the distresse,
then a writte shalbe awarded to the Thirisse
to enquire of the wast by the oathes of twelve
men. And because divers persons did lett
their lands to others sometyme for terme of life
or anothers life, and somtyme for terme of yeres
and after the said tenants did granut their
estates wch they had in the same lands and
tenants to others, to the intent that they in
the reuconn: viz: their lessors, their heires or
assignes should not take knowledge of their
names, and yett the first lessees did contynually
occupie the said lands and tooke the proffitts to
their owne use, and in the said lands & tenants
did comitt wast and destruction to the
disheritance of them in the reuconn: for
the restraint and punishment of wch said
offence, being both an oppression, and also
a fraude and deceit. By a statute made
Anno 11. Hen: 6. it was ordeyned that they
in the reuconn in such case may have and
maynteyne a writt of wast against the said
tenants for terme of life, anothers life, or for
yeres, and soe recon against them the place
wasted, and their treble damages, for the
wast soe by them done, as they ought to have
done for the wast done by them before the

grant and lease of their estate. Provydeth
That this ordinance shall not hold place, but
where the first tenants before the grant and
lease of their estates in the manner and
forme abovesaid, were punishable of
wast. And also where after the said
grant and lease the first tenants of the
said lands & tenths doe take the proffitts
att the tyme of the wast done, to their
owne proper use. And though the
words of the said statute doe give an
accon of Wast in the case aforesaid
but only to him in the reidcon. Yett he
in the remainder also (being in the like
mischeife) shall or may take the benefitt
thereof, and mayntayne an accon of
wast in this case against his particular
tenant for life, or yeres, if either of them
doe committ wast to his disheritance
And whatsoever the intent of the
grantor is in the case aforesaid.
Yett if the grantee do assigne his lease
take the proffitts thereof and committ
wast he is punishable according to the
said statute, for his intent shall not be
issuable. nam epitus acta probat; viz
the takeing of the proffitts do sufficiently
expresse his intent and only assignee of

the first tenant, mediat or immediate is not in the compasse of this statute for the statute was made to suppresse fraude wast and oppression.